

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14291 of 2016

Arising Out of PS.Case No. -2769 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

=====

1. Quaisar Ali Khan Son of late Yar Ali Khan Resident of Ram Bagh,
Police Station Sadar in the district of Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Mala sah Daughter of late Hari Prasad Sah Resident of Line Bazar,
P.S.- K.Hat, District Purnia.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastri (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

7 25-07-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Application No. 2769/2012, registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

The complainant alleged that petitioner entered into an agreement to sell a piece of land of Khata No. 557, Khesra No. 907 area of 04 decimal 02 Kari and received Rs. 2,30,000/- with assurance to execute the sale deed on a later date. The petitioner again agreed to sell another piece of land to the complainant and received Rs. 85,000/-, but the petitioner admitted that the land agreed to sell to the complainant was already sold by him.

Mr. Raj Kumar, learned counsel for the petitioner

submits that petitioner dispute his signature on annexure 3. The petitioner did not receive Rs. 85,000/- from the complainant. It is further submitted that the complainant took his signature on a plain paper and showed receipt of Rs. 2,30,000/-, but the petitioner is ready to return Rs. 2,30,000/- within two months. It is further submitted that it is case of breach of contract between the two sides.

On the other hand, Mr. Rajendra Narain learned senior counsel for the complainant submits that it is a pure case of cheating, as the petitioner agreed to sell that land which he already been sold to another person.

Considering the facts aforesaid and the fact that petitioner is ready to return Rs. 2,30,000/- within two months, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 2769/2012, subject to the conditions as laid down under Section 438(2) of the Cr. P.C. and subject to the condition that, if the petitioner fails to return Rs. 2,30,000/- to the

complainant within two months through bank draft learned court
below shall cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--

